### Approved For Release 2005/05/16 : CIA-RDP75B00285B000100070004-0 CONFIDENTIAL

OSA 0048/69

26 March 1969

Chief, Aero Medical Staff, OSA MEMORANDUM FOR:

SUBJECT Search and Rescue

- I understand the State Department has amended its Foreign Affairs Manual to provide specific instructions for search and rescue operations involving U.S. citizens and craft in foreign countries.
- State Department and the Department of Transportation have negotiated various bilateral agreements to facilitate the entry of search and rescue units into foreign areas. Additionally, a draft of a proposed multilateral agreement on this subject is being circulated by the ICAO.
- You may be interested in obtaining copies of these documents for possible future reference.

INTEL/O/OSA Distribution for AMA/OSA 2 6 MAR 1969 DATE

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OSA-1071-69

15 April 1969

Dist

MEMORANDUM FOR: Chief, Intel/O/OSA

Search and Rescue in Foreign Countries SUBJECT

Memo for Chief, AMS/OSA From Intel/O/OSA REFERENCE

OSA-0048-69 dated 26 March 1969

1. AMS/OSA appreciates receiving the information contained in the referenced Memo and agrees OSA should have copies of the documents of concern on file with AMS/OSA.

2. It is, therefore, requested that Intel/O/OSA endeavor to obtain the referenced documents through Intelligence channels since AMS has no Agency Headquarter's counterparts or State Department liaison through which such documents could be obtained.

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OSA 0050-69

15 April 1969

MEMORANDUM FOR: Chief, Aero Medical Staff, OSA

SUBJECT Acquisition of Documents

REFERENCE Memo for C/INTEL/O/OSA for AMS/OSA; dated 15 April 1969; Subject: Sear

and Rescue in Foreign Countries

(OSA 1071-69)

The Central Reference Service (DDI) provides document support for all Agency personnel. To obtain copies of the documents you are interested in contact the Acquisition and Dissemination Division (CRS) 25X1 25X1 INTEL/O/OSA INTEL/O/OSA (15 Apr 69) Distribution: Orig - C/AMS/OSA

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OSA-1017-69

15 April 1969

MEMORANDUM FOR: Deputy Director, Office of Special Activities

SUBJECT:

Search and Rescue

REFERENCE:

Memo to C/AMS/OSA, Dtd 26 Mar 69, OSA-0048-69,

Same Subject.

1. Attached are copies of appropriate pages for your information and retention of the Foreign Affairs Manual, Volume 7, concerning the subject raised in the referent memorandum. Pages 420, 650, and 660 pertain to accident investigation occuring in International Civil Aviation.

2. The latest information from the State Department indicates that a state notice had been issued calling attention to the above paragraphs as a reminder to its personnel that the subject matter was still in effect.

Chief, Contracts Management Division, OSA

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#### 650 %CIVIL AVIATION \*

651 \* Aircraft of United States Registry

Missing or Overdue Abroad

(See section 422.2b for procedures.)\*

### Aircraft of United States Registry Involved in Accident Abroad

An "aircraft accident" is defined in the Civil Aeronautics Board Safety Investigations (part 320, paragraph 320.2) as % "an occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight until such time as all persons have disembarked, in which any person suffers death or serious injury as a result of being in or upon the aircraft or by direct contact with the aircraft or anything attached thereto, or the aircraft receives substantial damage." %

#### 653 Role of Interested Governments

#### 653.1 Governing Convention

In respect to accident investigation, the Convention on International Civil Aviation, to which the United States is a party, deals generally with the obligations and privileges of contracting states in the event of an accident occurring in international civil aviation.

#### 653.2 Nations Party to Convention

The following countries are parties to the Convention on International Civil Aviation:

Chile Afghanistan China \*Algeria Argentina Colombia Australia \*Congo (Brazzaville) Austria \*Congo (Kinshasa) \*Barbados Costa Rica Belgium Cuba Bolivia Cyprus Brazil Czechoslovakia \*Bulgaria Dahomey Burma Denmark Cambodia Dominican Republic Cameroon Ecuador Canada El Salvador \*Central African Republic Ethiopia Ceylon Finland

💥 Gabon Federal Republic of Germany Niger Ghana Greece Guatemala Guinea 🛠 Guyana Haiti Honduras Iceland India Indonesia Iran Iraq Ireland Israel Italy Ivory Coast 🔆 Jamaica Japan Jordan 🔆 Kenya Korea Kuwait Laos Lebanon Liberia Libya Luxembourg 💢 Malagasy Republic 👺 Malawi 👺 Malaysia Mali 🔆 Malta 🔆 Mauritania Mexico Morocco Nepal Netherlands New Zealand

Nicaragua Nigeria Norway Pakistan Panama Paraguay Peru Philippines Poland Portugal **%**Romania \*Rwanda ¥Saudi Arabia Senegal Sierra Leone Singapore XSomali Republic Republic of South Africa Spain Sudan Sweden -Switzerland \*Syria 🔆 Tanzania Thailand ※Togo Trinidad & Tobago Tunisia Turkey **Uganda** United Arab Republic United Kingdom United States \*Upper Volta Uruguay Venezuela Viet-Nam X Yemen Yugoslavia

**%Chad** 

France
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💥 Zambia

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#### 653.3 Pertinent Provisions of Convention

🔆 a. Article 25 of the Convention on International Civil Aviation states that "each contracting State undertakes to provide such measures of assistance to aircraft in distress in its territory as it may find practicable, and to permit, subject to control by its own authorities, the owners of the aircraft or authorities of the State in which the aircraft is registered to provide such measures of assistance as may be necessitated by the circumstances. Each contracting State, when undertaking soarch for missing aircraft, will collaborate in coordinated measures which may be recommended from time to time pursuant to this Convention." To this end the International Civil Aviation Organization (ICAO) has adopted Annex 12, International Standards and Recommended Practices for Search and Rescue, which ICAO member states are obligated to incorporate in their national laws or regulations or file differences with ICAO.

Paragraph 2.1.2. of Annex 12 provides that--

"Subject to the control of its own authorities, a contracting State shall permit immediate entry of aircraft, equipment and personnel necessary to search for aircraft in distress, or rescue survivors of aircraft accidents, into any areas other than prohibited areas in which it is believed that such aircraft or survivors are located. Each contracting State shall publish all necessary information concerning authorities and the measure of control exercised by them."

- Article 26 of the Convention on International Civil Aviation states that "in the event of an accident to an aircraft of a contracting State occurring in the territory of another contracting State, and involving death or serious injury, or indicating serious technical defects in the aircraft or air navigation facilities, the State in which the accident occurs will institute an inquiry into the circumstances of the accident in accordance, so far as its laws permit, with the procedure which may be recommended by the International Civil Aviation Organization (ICAO). The State in which the aircraft is registered shall be given the opportunity to appoint observers to be present at the inquiry and the State holding the inquiry shall communicate the report and findings in the matter to that State. "
- Article 37 of the Convention states that "each contracting State undertakes to collaborate in securing the highest practicable degree of uniformity in regulations, standards, procedures, and organization in relation to aircraft, personnel, airways and auxiliary services in all matters in which such uniformity will facilitate and improve air navigation." This article further states that the International Civil Aviation Organization shall adopt and amend from time to time, as may be necessary, international standards and recommend procedures dealing with, among other things, aircraft in distress and investigations of accidents.
- Annex 13 to the Convention, Standards and Recommended Practices, Aircraft Accident Inquiry, which was adopted by the International Civil Aviation Organization Council on April 11, 1951, sets forth international standards and recommended practices to promote uniformity in the notification, investigation, and reporting on aircraft accidents with a view to contributing to the prevention of further accidents. The specifications in this annex include the method of notification of accidents, the protection of evidence, custody, and removal of aircraft after an accident, the institution of the accident inquiry, and the report. Other specifications have subsequently been added by the

Approved For Release 2005/05/16: CIA-RDP75800285R000100097000490 ganization.

# Investigative Responsibility in the U.S. Government

# 654.1 Statutory Responsibility of \* National Transportation Safety Board \*

Under the 🚜 Department of Transportation Act of October 15, 1966, the National Transportation Safety Board, within the Department of Transportation, \* is charged with investigating accidents involving civil aircraft and reporting the facts, conditions, and circumstances relating to each accident and the probable cause thereof. In addition to the investigation of accidents occurring in United States territory, the Board also investigates accidents to United States aircraft which occur in other countries. The Board has delegated to the 🛠 Federal Aviation Administration 🛠 responsibility for the investigation of all accidents to fixed wing aircraft of 12,500 pounds or less certificated maximum gross takeoff weight, except accidents involving In carrying out its investigative fatalities. functions, the Board may make use of the services of technical personnel of the 👺 Federal Aviation Administration, 🕰 the airline involved, or the manufacturer of the aircraft involved. All such personnel carry out their activities, however, under the direction of the Board.

# 654.2 Board Policy on Investigating Accidents Abroad

The 🔆 National Transportation Safety Board 🗱 is interested in all accidents occurring abroad to aircraft of United States registry 💥 and/or manufacture. 💥 In accidents where one or more fatalities are involved and in accidents to aircraft of more than 12,500 pounds maximum certificated takeoff weight where no fatalities are involved, the Board may wish to appoint a representative, and perhaps advisers to assist him, to be present during the investigation. However, whether or not the Board participates in the investigation of such accidents, it is desirous of receiving reports of the results of the investigation when issued.

# Policy of the Federal Aviation Administration in Investigating Accidents Abroad

Although the Federal Aviation Administration thas been delegated authority to investigate in the United States only accidents to fixed wing aircraft of less than 12,500 pounds, it is nevertheless interested in having knowledge of accidents occurring to all United States registered aircraft regardless of size. The X Federal Aviation Administration X maintains offices in various foreign countries, and it may wish to have a member of its staff from the appropriate overseas office observe the scene of the accident of United States registered aircraft and the investigation thereof. The 👯 National Transportation Safety Board 🔆 has no investigative personnel stationed outside the United States. Consequently, even though the Board may choose to send a member of its staff to participate in the investigation of an accident, some time may elapse before he arrives at the scene. On the other hand, the 🛠 Federal Aviation Administration, through its offices abroad, a may be able to get a representative to the scene of the accident more quickly. The 🕽 Federal Aviation Administration 💥 maintains offices abroad in the following cities: ::

* FAA Offices Abroad	Telegraphic Address	
Beirut	ACIVAIR, Beirut,	
	Lebanon	
* Brussels	ACIVAIR, Brussels,	
	Belgium	
Buenos Aires	ACIVAIR, Buenos	
	Aires, Argentina	
Frankfurt	ACIVAIR, Frankfurt,	
	Germany	
Lagos	ACIVAIR, Lagos,	
	Nigeria	
Lima	ACIVAIR, Lima,	
	Peru	
London	ACIVAIR, London,	
	England	
Manila	ACIVAIR, Manila,	
	Philippines	
Raris Paris	ACIVAIR, Paris,	
	France	
Rome	ACIVAIR, Rome,	
•	Italy	
Rio de Janeiro	ACIVAIR, Rio de	
	Janeiro, Brazil	
Tokyo	ACIVAIR, Tokyo,	
	Japan	

₩ a.

# Activities of Interested United States Airlines

#### 655.1 Customary Activities

A United States airline will normally make every effort to get its nearest representative to the scene of the accident as quickly as possible to protect the aircraft and its contents and to make proper disposition of the passengers, mail, and cargo. The airline representative will usually reach the spot ahead of the Trederal Aviation Administration or the National Transportation Safety Board representatives. 🛵 In situations where crewmembers survive the disaster and are uninjured, the senior member of such crew is responsible for taking immediate charge and for supervising the carrying out of the airline's responsibilities.

#### 655.2 Obligations

A United States airline is obliged by the United States Civil Aeronautics Board Safety Investigation Regulations (part 320, para. 320.15) to preserve the wreckage, and is relieved from that obligation only (1) if it cannot be discharged legally in the foreign country, or (2) if an authorized representative of the National Transportation Safety Board specifically relieves the airline of its obligation.

#### 655.3 Limitations on Activities

Airline representative are expected to limit their activities to salvage operations necessary to 2 make proper disposition of \* passengers, crew, mail, cargo, and luggage and to assist the officials of the country in which the accident occurs to preserve the wreckage. The airline representatives, therefore, are not expected to undertake an examination of the wreckage or an investigation of the accident to determine its cause prior to \* assumption of the case 🔆 by the properly constituted official investigative authority which will presumably include a representative of the National Transportation Safety Board or the Federal Aviation Administration. \*

#### 656 Post Functions

# 656.1 Notification and Reporting of Accidents

Arrangements are to be made where-

by the local authorities, who will usually

- be the first to learn of an aircraft accident, will notify the nearest American embassy or consulate when accidents occur to aircraft of United States registry or manufacture. The embassy or consulate receiving such information transmits it by telegram to the Department for forwarding to the National Transportation Safety Board and the Federal Aviation Administration for such action as they may wish to take. KIn addition, the post transmits such information by telegram to the appropriate Xoverseas office of the Federal Aviation Administration (see section 654.3). 🛠 When the local governmental authorities have completed their investigation of an accident to an aircraft of United States registry or manufacture of and have issued an official report thereon, copies of the report are obtained and forwarded to the Department for use of the R National Transportation Safety Board and the Federal Aviation Administration. In forwarding such reports, the post indicates whether release of the report to the public by the National Transportation Safety Board would be acceptable to the government concerned.
  - b. By the terms of chapter 26 of the Convention on International Civil Aviation and annex 13 thereto, when an accident occurs in one state to an aircraft of registry of some other state, the state in which the accident occurs is required to notify the state of registry and the state of manufacture of the aircraft "with the minimum of delay and by the quickest means" of the fact of the accident, with such pertinent information as is available.

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# 656.2 Arranging for Entry and Travel of Investigative and Airline Representatives

Representatives of the National Transportation Safety Board, the Federal Aviation Administration, and the United States airline involved may not have the documents necessary for entry into the country where the accident occurred. Posts are to lend all assistance possible to obtain the entry of such representatives into the country where the accident occurred and to expedite their travel to the scene of the accident.

# 656.3 Rendering Assistance at the Scene of the Accident

#### \* a. Scheduled United States Air Carrier

- (1) The post will send a member of its consular staff to the scene of the accident to ensure that appropriate protection is afforded United States nationals and property involved in the accident and that any evidence bearing on the cause of the accident is preserved until the arrival of United States Government investigative personnel. (See section 656.7b if the aircraft had a courier or diplomatic pouches aboard.) \*\*
- In the absence of an airline representative, the \* consular officer assists local authorities in every possible way compatible with the provisions of section 656.4 to care for the survivors, identify and dispose of the remains of victims, salvage and protect property, and preserve the wreckage pending an investigation. If an airline representative is already at the scene of the accident, or if one arrives shortly thereafter, the ki consular officer assists him to in discharging his recognized responsibilities in connection with passengers and cargo. (See section 655.) However, \* the consular officer \* is also obligated to assist investigative personnel of the United States Government to preserve evidence bearing on the cause of the accident. Any attempt on the part of the airline representative to exceed his recognized sphere of activity (see section 655.3) is to be called to the attention of the airline involved and the competent local authorities.

## \*b. Non-scheduled United States Carrier or Private Plane

The procedure outlined in section 656.3a is to be followed in any case wherein it is deemed necessary in the event of an accident involving a non-scheduled carrier or private plane.

# 656.4 \* Expenses Attendant Upon an Accident

#### a. Expenditure of Official Funds

The Department of State has no funds from which expenses attendant upon an accident to United States aircraft can be paid. Foreign Service posts are not authorized to expend funds for any such expenses, including funds for guarding the wreckage to preserve evidence of the cause of the accident, unless the National Transportation Safety Board or the Federal Aviation Administration authorizes, in advance, the expenditure of funds for such purposes on a reimbursable basis. In the absence of such advance authorization, posts can arrange only for such protection as local authorities are willing to furnish gratuitously. 🛠

#### b. Payment by Airline

The Air Transport Association of America informed the Department (in a letter dated September 21, 1950) that "generally speaking, it can be assumed that the airline will assume responsibility for expenses incurred as a direct result of the accident." In an emergency involving a scheduled carrier and in the absence of airline representatives or other authority, the post is to request a deposit from the airline (through the Department, if desired) with specific authorization to incur whatever financial obligations the airline is willing to assume to hire guards (in case local police protection is considered inadequate), provide accommodations, medical care, and onward transportation for survivors, and for other expenses resulting from the accident. In an accident involving a scheduled carrier, private plane, or non-scheduled carrier for which no deposit of funds has been made to defray costs in relation to the accident, or pending receipt of funds for that purpose, airline and investigative personnel may be delayed in reaching the The consular officer, as the representative of all segments of the United States Government in the area, will endeavor to protect and promote the interests of the Government, the airline, and the individual citizen by any means available to him that are consistent with these regulations and should request funds and instructions as required from the Department. 🎎

#### \*c. Voluntary and Personal Services

Voluntary services and personal services in excess of those authorized by law may be accepted and utilized in the case of an aircraft accident, since the law which normally prohibits such acceptance (31 U.S.C. 665) does not apply "in case of sudden emergency involving the safety of human life or the protection of property."

#### 656.5 Protective Services for Survivors

\*Primary responsibility to provide medical care, accommodations, and onward transportation for passengers and crew rests with the airline or operator of the nonscheduled or private plane. However, the consular officer is to assist in every way feasible to resolve such problems as arise following an accident.

#### a. Medical Care and Hospitalization

\*The consular officer is to lend every assistance possible to arrange for injured survivors of the accident the best medical and hospital attention available. (See sections 656.3 and 656.4.)

The consular officer is to assist passengers

## b. Accommodation and Onward Transportation

and members of the crew who do not require hospitalization to obtain appropriate accommodations accessible from the scene of the accident. If practicable, surviving passengers are to remain in the vicinity of the accident until the United States investigative personnel can obtain from them all information pertaining to the accident. Surviving passengers leaving the vicinity are to furnish addresses at which they can be reached later. The onsular officer assists the passengers, as appropriate, to obtain necessary clearances from local authorities and to obtain onward transportation by the most expeditious means of common carrier transportation available. Surviving members of the aircraft crew will be expected to remain in the vicinity of the accident until otherwise instructed by the investigative personnel. (See sections 656.3 and 656.4.) 💥

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# 656.6 Protective Services With Respect to Deceased Victims of Accident

#### a. Interim Disposition of Remains

Generally, local authorities will assume custody of the remains of deceased victims of the accident and consign them to a mortuary until final disposition can be made.

#### b. Identification of Remains

When necessary, officers are to assist in identifying the remains of United States citizens who are victims of the accident by requesting the Department to procure dental charts, passport application data, and photographs, fingerprints, or other United States records.

### c. Reports on Deaths of United States Citizens

Posts are to report the deaths of United States citizens occurring in an aircraft accident, in accordance with the procedure prescribed in section 441.

#### d. Disposition of Remains

When a scheduled United States air carrier meets with an accident, the United States airline concerned usually will transport the identifiable remains of victims of the accident to the place of final interment designated by the next of kin. If the post is requested, or finds it necessary to dispose of identifiable remains, the procedures prescribed in section 442 are to be followed. When remains are unidentifiable, the local authorities may be expected to make final disposition of these remains locally in accordance with the health requirements of the country concerned, usually by common burial or by cremation, and without regard to the disposition desired by possible next of kin.

### 656.7 Salvage of Mail and Other Property

#### a. Mail

- \*The Regulations of Execution of the Universal Postal Convention, signed at Vienna July 10, 1964, provide in article 197 that when, as a result of an accident which occurred during transportation, a plane cannot continue on its trip and deliver the mail at the scheduled stops--
- (1) Personnel of the plane must deliver the dispatches to the post office nearest the place of the accident or to the one most qualified for the onward transmission of the mail; or
- (2) In the event personnel of the plane are not able to take the foregoing action, the nearest or most qualified post office, having been informed of the accident, intervenes without delay to obtain possession of the mail and to reforward it to destination by the most rapid means after the condition of the mail has been verified and the damaged correspondence, if any, repaired.

Most post offices are familiar with these provisions, but, if in any case the mail is not being properly cared for, the post is to bring the proper procedure to the attention of the nearest post office.

# Approved For Release 2005/05/16: CIA-RDP75B00285R000100070004-0 Diplomatic Pouches c. Baggage, Personal Effects, and Cargo

Immediately upon arriving at the scene of the accident, the 🔆 consular officer 🛠 ascertains whether the aircraft was carrying a courier or diplomatic pouches. If a courier is found to be aboard, the same personal arrangements are made for him as are made for other passengers. (See sections 656.3 through 656.6.) An immediate search is also made for whatever diplomatic pouches the courier may have been carrying and for any pouches that may have been carried as regular cargo. Usually, the cargo manifest will list diplomatic pouches carried as air freight or cargo. Since a courier usually carries his pouches with him into the cabin of the plane, the pouch receipts, forms DS-1053 (see 5 FAM Exhibit 341.3), on his person or in his briefcase will offer positive proof of the number of pouches he has in his custody. . If any are found, they are to be cleared through appropriate government officials of the country and taken to the nearest United States Foreign Service post to await disposition instructions. If it is learned that the postal authorities have already recovered United States diplomatic pouches, such pouches are to be obtained from the postal authorities and taken to the nearest post to await disposition instructions. A telegram is sent to the Department and to the regional courier office having jurisdiction over that area, describing the pouches recovered. This description will include the offices of the addressors and addressees and the classification indicator (C, A, or S). The Department and the regional courier office will coordinate instructions to the office for the disposition of these pouches.

The \* consular officer \* requests the local authorities to arrange for the security storage and protection of such baggage, personal effects, and cargo as are recoverable from the aircraft until the property can be released to its owners by local customs and accident investigating authorities or by the courts. When released, the personal effects of United States citizens who died in the accident are then taken into possession and disposed of by the post in accordance with the procedure prescribed in sections 444 through 448.

# 656.8 Protection and Preservation of Wreckage

So far as local law permits, the onsular officer the sees that arrangements are made (by the airline representative with the local authorities, if a scheduled carrier is involved) for the protection of the wrecked aircraft and its property contents against further damage, pilferage, and access by unauthorized persons, until the arrival of the accident investigative personnel. prior removal of any of the wreckage or the contents of the aircraft should be prevented, unless such action is necessitated by very compelling reasons, such as the need for treating the injured or for removing bodies, or when the wreckage constitutes a public hazard. When, under the latter conditions, the wreckage and contents of the aircraft must be removed or disturbed in any way, a record is to be made or photographs are to taken showing the position and condition of the wreckage prior to disturbance, if possible. In the case of a private aircraft or nonscheduled carrier, protection is arranged for the wrecked aircraft and its contents pending the receipt of information from the Department whether the national Transportation Safety Board 🛠 will investigate the case, and until final disposition is made of the property. If the owner killed in the wreck of a private aircraft is a United States citizen, the aircraft constitutes part of his personal estate and is disposed of in accordance with the provisions of sections 444 through (For rules governing the payment of expenses in connection with the protection and preservation of wrecked United States aircraft, see section 656.4.)

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# 656.9 Records and Reports in Connection With Investigation

#### a. Records

The % consular officer % maintains a record of the various transactions taking place prior to the arrival of airline, %National Transportation Safety Board, and Federal Aviation Administration % representatives. This record is to include all pertinent details with respect to the disposition of persons and property, obligations assumed, arrangements made, etc., and also any statements made by witnesses.

#### b. Reports

Reports are to be submitted to the Department for its information and the information of aviation authorities and other interested parties in the United States regarding the progress of any investigation which is held and its final outcome when known.

# 657 Reports Regarding Reaction of Local Government to Prescribed Procedures

Each United States mission (or supervising consular office in territories where there is no mission) in a country party to the Convention (see section 653) is to report to the Department whether procedures of this subchapter are under the Convention, generally acceptable to the local government. Posts are to report to the Department and to their supervisory mission (or supervisory consular office where there is no mission) any known obstacle to carrying out the procedures prescribed in this subchapter.

# FOREIGN AIRCRAFT ACCIDENTS INVOLVING UNITED STATES PERSONS OR PROPERTY

#### 661 Reports on Accident

When an accident occurs to a foreign aircraft in the district of a Foreign Service post and United States citizens or property are involved, the post is to report the disaster fully to the Department and to the supervisory mission (or the supervisory consular office where there is no mission). (See section 422.2b.)

# Protection of United States Citizens Involved

Posts are to follow substantially the procedures prescribed in section 656.4 through 656.6 to protect United States citizens (whether alive or dead) involved in a foreign aircraft accident.

#### 663 Protection of United States Property

Posts are to follow substantially the procedures set forth in sections 656.4 and 656.7 to protect United States mail, baggage, and diplomatic pouches, and the personal effects and cargo belonging to United States citizens.